

INFORMATION SHEET

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Saint Paul District

FILE NUMBER: MVP-2007-1280-TJH

PROJECT MANAGER: Tom Hingsberger

PROJECT REVIEW/DETERMINATION COMPLETED: In the office? Y ☒ N ☐ Date: 3/14/2007

At the project site? Y ☐ N ☐ Date:

PROJECT LOCATION INFORMATION:

State: MN

County: Stearns

Center coordinates of site by latitude & longitude: 45.5066107952946/-94.1541498256078

Approximate size of site/property (including uplands) in acres: 4

Name of waterway or watershed: Clearwater-Elk, MN

Type of Aquatic Resource:	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Ft	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	3								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

1 Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?				X	

1 Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION:

Preliminary

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Or

Approved:

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ADDITIONAL INFORMATION SUPPORTING njd (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

Review of the 7.5 min. USGS topographic maps, 2003 FSA aerial photos, digital hydric soil maps, and NWI all indicate that the basin is isolated and has no connection to waters of the United States. The isolated wetland is located entirely within Stearns County, Minnesota. The subject wetland is isolated and is not adjacent to or part of a tributary system of navigable, interstate, or other waters of the United States. This determination concludes that a interstate or foreign commerce nexus is not present. The subject waterbody is not a waterbody the use, degradation or destruction of which is likely to affect interstate or foreign commerce. The wetland has not been used for recreational purposes. The waterbody is not a water of the U.S. as defined at 33 CFR 328.3 and is not subject to Corps jurisdiction under Section 404 of the Clean Water Act.